

NO. 5:14-HC-2056-F

Respondent.

ORDER

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Stephens v. Branker, 570 F.3d 198, 213 (4th Cir. 2009).

“Good cause” requires more than a petitioner’s conclusory assertion there may be some undiscovered or undisclosed evidence to support his claim. The rules governing discovery in habeas corpus cases do not countenance “a so-called fishing expedition via discovery, an effort to find evidence to support a claim.” Borden v. Allen, 646 F.3d 785, 810 n.31 (11th Cir. 2011); see also Williams v. Bagley, 380 F.3d 932, 974 (6th Cir. 2004) (citations and quotations omitted) (“Rule 6 does not sanction fishing expeditions based on a petitioner’s conclusory allegations. Conclusory allegations are not enough to warrant discovery under Rule 6; the petitioner must set forth specific allegations of fact.”). Here, Petitioner merely lists the discovery he seeks, without any argument as to whether good cause exists. Accordingly, his motion to compel discovery [DE-2] is DENIED WITHOUT PREJUDICE.

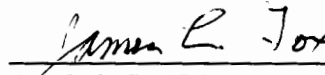
Finally, Petitioner has filed two motions [DE-3,4] seeking the appointment of counsel. There is no constitutional right to counsel in habeas corpus cases. Pennsylvania v. Finley, 481 U.S. 551, 555 (1987). However, pursuant to 18 U.S.C. § 3006A(a)(2)(B), the court may appoint counsel in a habeas corpus case if it determines that “the interests of justice so require.” Having reviewed the petition the court finds that there are no legally complex issues deserving of the extraordinary measure of the appointment of counsel. Likewise, the court finds that Petitioner has ably presented his claims and demonstrated his ability to articulate arguments in favor of his positions. Accordingly, the interests of justice do not require the appointment of counsel and Petitioner’s motions [DE-3, 4] are DENIED.

CONCLUSION

Petitioner’s motion to compel discovery [DE-2] is DENIED WITHOUT PREJUDICE, and

Petitioner's motions to appoint counsel [DE-3,4] are DENIED. The Clerk of Court is DIRECTED to maintain management of the matter.

SO ORDERED. This the 6th day of November, 2014.



JAMES C. FOX
Senior United States District Judge